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Collins vetoes new spending

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SOUNDING OFF: Erie County Executive Chris Collins spoke with reporters last week about changes Legislature Democrats made to his budget proposal. Collins said their amendments will result in a property tax increase next year.
JOSHUA JAKSON FOR THE NEWS

BUFFALO — Erie County Executive Chris Collins on Monday took out his veto pen and declared as “null and void” the entire budget amendment package submitted by Legislature Democrats.

One by one, Collins’ veto message submitted to lawmakers Monday afternoon outlines 154 items that the executive is vetoing, including the \$4 million in restored county library funding, and \$1.2 million to assist several cultural agencies previously funded by county tax dollars.

“That’s 154 separate items that raise taxes that I am vetoing,” Collins said.

Collins reached a deal Sunday with Legislature Republicans that would provide \$3 million to the libraries. The money comes from Medicaid assistance funds that the county came into after Collins submitted his budget in October.

All of the library funding will be used toward preserving operating hours. The \$4 million funding package would have given the libraries less for service hours because more than \$1 million of that would have been placed into the Central Branch reserves collection.

Each page of Collins’ veto message identifies the line item to which the executive objects. It starts with “Appendix 1, I hereby object to and veto...,” and is repeated 153 times, on 153 separate sheets of paper. The document was provided to reporters at an afternoon news conference in Collins’ office on the 16th floor of the Rath Building.

Collins seemed almost offended by the amendment package the Legislature approved. “Certainly they have a desire to waste taxpayer dollars. They really don’t know how to do a budget,” he said. “I’m the chief budget officer of Erie County. Myself and my budget department do know what we’re doing. ...We’re doing what we’re supposed to be doing. If they don’t know how to do their job, that’s not my fault.”

Collins’ move sets up what is sure to be a spirited meeting of the county Legislature today as lawmakers convene for their “veto override” session. Lawmakers will need a super majority of 10 votes to override each of Collins’ vetoes. But with nine Democrats in the 15-member Legislature, lawmakers will need at least one Republican’s support to override the executive’s vetoes.

The county executive on Monday reiterated his contention that county taxpayers will be on the hook for \$8.1 million more in property taxes next year if the Legislature overrides his vetoes. "Each and every veto, if it's not upheld, raises taxes, because they made no cuts," Collins said. He said he is confident all of his vetoes will be upheld.

In explaining his actions, Collins had harsh words for the Legislature's majority members. "In typical legislative fashion, they don't know what they're doing," he said.

While lawmakers say their budget spends roughly \$100,000 less than the executive's, Collins argues the Legislature used "phantom dollars" and, when cutting certain positions, didn't take into consideration the necessity of fringe benefits such as health insurance and pension costs.

Legislature Democrats have criticized the executive's statements, saying that county Comptroller Mark Poloncarz — a Democrat who may challenge Collins next year — reviewed their amendment package and didn't find any issues. Poloncarz also disputes Collins' contention that the amendment package will raise property taxes.

But, in Collins' opinion, Poloncarz doesn't know much more than the lawmakers he's backing. "He certainly has also shown that he doesn't know what he's doing," said Collins, who's vetoing 12 line items that affect Poloncarz's office.

Late last week, Poloncarz said the Legislature's amendments were reasonable. "There will be no effect on the county property tax rate and there is no increase in the property tax due to the Legislature amendments," he said, adding that Collins' statements were "wrong."

In declaring the Democrats' amendment package "null and void," Collins says they violated the county charter by failing to vote separately on each item. "There are procedures outlined in the county charter that clearly articulate the way a budget has to be processed. They did not follow those," he said.

Collins added, "Their entire amendment package was not done properly, and procedurally does not meet the charter or their own rules, and therefore in breaking the law ... it is null and void because it's not legal."

He said the charter states that each item must be introduced individually. "They are not allowed to vote on it as a package," Collins said, adding that the amendment package was defeated in the Legislature's Finance, Management and Budget Committee. "It is very clear in the charter that there's a timeframe that an amendment package must be submitted. It's 48 hours ahead of time. And absent that they are not allowed by the charter or their own rules to simply put a package in, which is what they did."

Lawmakers did submit the \$4 million in restored library funding, aid to cultural organizations and restoration of positions to the comptroller's office as separate line items, but not the remainder of their package. Legislature Democrats maintain they did nothing wrong.

"It's a technicality but it's an important technicality that's in the charter," said City of Tonawanda Republican Kevin Hardwick. "If a procedure was not followed, then he is justified in declaring everything null and void."

Hardwick provided the key 10th vote on funding to cultural organizations during the Legislature's meeting late last month but said he wouldn't support a veto override if the funding

restorations result in a tax increase.

“It’s in flux. It’s more exciting than it should be,” Hardwick said of the budget. He said it highlights the need to reform the county charter to give lawmakers more time to review the executive’s veto message. “We want to get this right, obviously,” he said.

The Legislature’s Finance, Management and Budget Committee, of which Hardwick is a member, began meeting Monday and recessed until this morning to further discuss budget deals. Hardwick said those discussions will continue and could result in additional recesses once the Legislature convenes at 2 p.m. Lawmakers met for more than six hours Nov. 30 before adopting an amended budget along party lines.

Collins contends that the Legislature submitted its amendments past the county charter-imposed deadline and, as a result, should have voted on each item separately but didn’t.

“If this is the case, then all the cuts that the Legislature made are gone and there’s no money to put back in without raising taxes, and in that case I would vote to sustain the veto,” Hardwick said.

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